IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.393 OF 2005

IN

SUIT NO.3888 OF 1999

...

Dinesh B. Taliwal ...Plaintiff

v/s.

Rukmanidevi B. Taliwal & ors. ...Defendants

...

Ms.Pallavi Ashar i/b A.M. Sarogi for the Plaintiff.

Mr.D.B.Shukla i/b V.B. Dharam for Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 22ND MARCH,2006

P.C.:

1. This Notice of Motion is taken out by the

Plaintiff claiming interim relief in relation to Flat No.31/B situated at Pedder Road, 3, Bhagwati Bhuvan, Mumbai.

2. Interim reliefs in relation to that flat have been claimed because according to the Plaintiff the flat was partly owned by deceased Bhagwands Taliwal. But admittedly share certificate of the flat even during the life time of the deceased was in the name of the Defendant No.1. Share certificate issued by a Co.operative Society has a presumptive value and therefore, at the prima facie stage it is not possible for this court to make any interim order which runs contrary to the share certificate. Notice of Motion is, therefore, disposed of.

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